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From: Alan S. Hodes (Registration No. 38,185)

Date: March 5, 2003

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Comments:

OFFICIAL FILING for
REQUEST TO WITHDRAW FINALITY OF OFFICE ACTION FINAL REJECTION
IMPROPER UNDER MPEP 706.07(A)

ATTORNEY DOCKET: 426882005100

ATTY/Secy: ASH3/cgm1

SERIAL NO.: 10/072,421

FILING DATE: February 5, 2002

INVENTOR: Mei CHUAH

TITLE: DISPLAY PARTICULARLY CONFIGURED FOR VISUALIZING TRENDS IN DATA

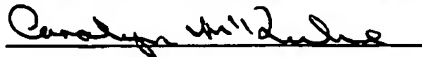
Papers enclosed herewith:

1. Transmittal Form- 1 page
2. Request to Withdraw Finality of Office Action Final Rejection Improper Under MPEP 706.07(A) - 3 pages

PATENT
Docket No. 426882005100
Client Reference 01349-00/US

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Carolyn McKubre

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Mei CHUAH

Serial No.: 10/072,421

Filing Date: February 5, 2002

For: DISPLAY PARTICULARLY
CONFIGURED FOR VISUALIZING
TRENDS IN DATA

Examiner: D. Felten

Group Art Unit: 3624

OFFICIAL

**REQUEST TO WITHDRAW FINALITY OF OFFICE ACTION
FINAL REJECTION IMPROPER UNDER MPEP 706.07(A)**

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Assistant Commissioner for Patents
Washington, D.C. 20231

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GROUP 3600

Dear Sir:

This communication is responsive to the Office Action mailed February 21, 2003 ("February 21 Office Action") in the above-referenced patent application. The February 21 Office Action was indicated as being FINAL. It is respectfully submitted that, under the circumstances of this application, it was improper for the February 21 Office Action to be indicated as being FINAL.

In particular, under MPEP 706.07(a) a second or any subsequent action on the merits in any application ... will not be made final if it includes a rejection, on newly cited art, other than

Serial No. 10/072,421
Docket No. 426882005100

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PTO/SB/21 (08-00)

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**TRANSMITTAL
FORM**


(to be used for all correspondence after initial filing)

TRANSMITTAL FORM	Application Number	10/072,421	
	Filing Date	February 5, 2002	
	First Named Inventor	Mel CHUAH	
	Group Art Unit	3624	
	Examiner Name	D. Felten	
Total Number Of Pages In This Submission	4	Attorney Docket No.	426882005100 (Client Ref. No. 01349-00/US)

ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declarations	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	1. Request to Withdraw Finality of Office Action Final Rejection Improper Under MPEP 708.07(A) - 3 pages
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	2. Facsimile Cover Page
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application	Remarks	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Firm or Individual Name	Morrison & Foerster LLP, 755 Page Mill Road, Palo Alto, California 94304-1018
Signature	
Date	March 5, 2003

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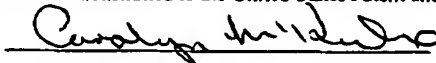

Carolyn McKubre

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PATENT
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Carolyn McKubre

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Mei CHUAH

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Serial No. 10/072,421
Docket No. 426882005100

information submitted in an information disclosure statement filed under 37 CFR 1.97(c) with [a fee], of any claim not amended by applicant ... in spite of the fact that other claims may have been amended to require newly cited art. In other words, if the final rejection is improper to one independent claim, the finality is premature.

In this case, the final rejection is improper at least to independent claim 1. In the Office Action mailed September 5, 2002 ("September 5 Office Action"), independent claim 1 was rejected as being obvious in view of Marshall. Applicant traversed the rejection without substantively amending claim 1.¹ Nonetheless, the Examiner has now rejected independent claim 1 as being obvious over Marshall in view of Hatori. This is a new ground of rejection which, contrary to the Examiner's assertions on Page 12 of the Office Action, was not necessitated by Applicant's amendment.

Applicant therefore respectfully requests that the finality of the February 21 Office Action be withdrawn.

¹ Independent claim 1 was amended to address an "informality" -- namely to delete "VC" and substitute "--venture capital ("VC")-- as required by the Examiner. However, a final rejection proper only when the new ground of rejection was "necessitated by amendment to the claims" or for other reasons not relevant here. Clearly, the amendment to address the informality did not necessitate the new ground of rejection of independent claim 1.

The Assistant Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16, 1.17, and 1.21 that may be required by this transmittal, or to credit any overpayment, to Deposit Account No. 03-1952 referencing docket no. 426882005100.

Respectfully submitted,



Dated: March 5, 2003

By:

Alan S. Hodes
Registration No. 38,185

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